

(3) Agencies shall issue directives on using telephone facilities and services. Agencies' contractor-operated facilities shall be covered by these directives. The directives may provide further definition of calls necessary in the interest of the Government and shall include procedures for collection and reimbursement for unauthorized calls.

§ 101-35.202 Collection for unauthorized use.

(a) Agencies shall collect for any unauthorized calls if it is cost-effective to do so. Reimbursing the Government for unauthorized calls does not exempt an employee from appropriate administrative, civil, or criminal action.

(b) Agency collections shall include—

(1) The value of the call, computed on the basis of commercial long distance rates rounded to the nearest dollar; and

(2) An additional amount rounded to the nearest dollar to cover the administrative costs of determining that the call was unauthorized and processing the collection.

Subpart 101-35.3—The Mandatory FTS Long Distance Network

§ 101-35.300 Scope of subpart.

This subpart describes the GSA FTS program and contracts that are mandatory-for-use by agencies.

§ 101-35.301 The mandatory FTS long distance network.

§ 101-35.301-1 General.

(a) In accordance with section 629 of Public Law 104-52, (109 Stat. 468, 504, November 19, 1995), executive agencies must use the FTS long distance network.

(b) GSA will grant exceptions to the use of the FTS long distance network when:

(1) The agency's procurement requirements are unique and cannot be satisfied by the FTS long distance network; and

(2) The agency procurement would be cost-effective and would not adversely affect the cost-effectiveness of the FTS long distance network.

(c) The FTS long distance network provides Federal agencies modern up-

to-date intercity telecommunications services over the life of the program. GSA will enhance existing services and add features to the FTS long distance network to maintain technologically current services and to improve services to user agencies. GSA will make service improvements in accordance with agencies' needs, contract provisions, governing regulations and statutes.

(d) As used in this FPMR, the terms intercity and long distance have the same meaning.

§ 101-35.301-2 Policies.

(a) Executive agencies shall use the FTS long distance network to satisfy intercity telecommunications requirements within the United States, Guam, Puerto Rico, or the Virgin Islands for requirements which are within the scope of the FTS long distance network voice, data, and video services as such services become available unless:

(1) The agency requests and obtains from GSA an exception to the use of the FTS long distance network based on a GSA determination that:

(i) The agency's procurement requirements are unique and cannot be satisfied by the FTS long distance network; and

(ii) The agency procurement would be cost-effective and would not adversely affect the cost-effectiveness of the FTS long distance network;

(2) The agency requests and obtains from GSA an interim exception to the use of the FTS long distance network based on an established date for transition to the FTS long distance network; or

(3) An exception to the use of the FTS long distance network for the agency is otherwise provided by law.

(b) Unless any of the exceptions listed in paragraph (a) of this section apply to the procurement, and when overall procurement requirements include any agency long distance telecommunications requirements which are within the scope of FTS services, executive agencies shall require offerors in new awards to satisfy those requirements by using the Government furnished services of the FTS long distance network as such services become available.

(c) For ease of determining and evaluating Government costs, executive agencies also shall require offerors to unbundle FTS long distance services in their offers by separately describing and pricing the FTS services that satisfy Government requirements. However, the agency solicitation may prescribe an expected solution for the use of the FTS long distance network. Offerors would then be required to separately price the Government-furnished services of FTS only if their offers show a different use of FTS than the Government's expected solution.

(d) Notwithstanding paragraphs (a) and (b) of this section, agencies may continue to use intercity telecommunications services and facilities provided under contracts previously authorized and awarded without obtaining an exception to the use of the FTS long distance network. However, agencies shall use available FTS long distance services that can satisfy their procurement requirements upon expiration of such contracts. Before exercising renewal options under existing contracts that will result in the provision of intercity telecommunications services, agencies shall obtain an interim exception to the use of the FTS long distance network. This interim exception will allow GSA and the agencies to plan an orderly transition to the FTS long distance network.

(e) In planning for transition to the FTS long distance network, agencies shall be responsible for determining customer premises equipment requirements to achieve efficient interfaces with the type of FTS services needed. However, agencies shall avoid duplicating FTS services. Agencies shall avoid incorporating inherently intercity features (i.e., features that can be provided only as part of an intercity network) of the FTS long distance network in agency networks. An exception to the use of the FTS long distance network is hereby provided to agencies with requirements for non-inherently intercity features to satisfy such features within a local network.

§ 101-35.301-3 Procedures.

(a) GSA will provide assistance in understanding and pricing the services available from the FTS long distance

network and in developing plans for transition to the FTS long distance network. For assistance and information concerning the FTS network, agencies should contact the General Services Administration, Federal Telecommunications Service (T), 7980 Boeing Court, 4th Floor, Vienna VA, 22182-3988.

(b) Agencies seeking an exception to the use of the FTS long distance network are responsible for documenting their case. A complete agency request for an exception to the use of the FTS long distance network shall establish to the satisfaction of GSA that:

(1) The agency's procurement requirements are unique and cannot be satisfied by the FTS long distance network;

(2) The agency's procurement would be cost-effective; and

(3) The agency's procurement would not adversely affect the cost-effectiveness of the FTS long distance network. (The rebuttable presumption is that, if an agency procurement requirement is unique and the resultant procurement would be cost-effective, the agency procurement would not adversely affect the cost-effectiveness of the FTS long distance network.)

(c) An agency request for an interim exception to the use of the FTS long distance network shall be based on a GSA established date for transition of agency requirements to the FTS long distance network.

(d) Any agency exception request shall be sent to the General Services Administration/Federal Telecommunications Service (T).

(e) Agencies may conduct procurements for long distance telecommunications services and facilities without prior approval of GSA when the agency's requirements are within the scope of an exception to the use of the FTS long distance network provided by GSA.

(f) An agency may appeal a GSA denial of a request for an exception to the Office of Management and Budget (OMB).

(g) If an agency has a requirement for long distance telecommunications within the United States, Guam, Puerto Rico, or the Virgin Islands that may